

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:

Luo et al.

Serial No.: 10/826,985

Filed: April 19, 2004

For: METHODS FOR FORMING
PROTECTIVE LAYERS ON
SEMICONDUCTOR DEVICE
COMPONENTS SO AS TO REDUCE OR
ELIMINATE THE OCCURENCE OF
DELAMINATION THEREOF AND
CRACKING THEREIN

Confirmation No.: 3493

Examiner: J. Stark

Group Art Unit: 2823

Attorney Docket No.: 2269-5565.1US

VIA ELECTRONIC FILING
December 17, 2008

REPLY BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Board of Patent Appeals and Interferences

Sirs:

This REPLY BRIEF follows the Examiner's Answer of October 17, 2008, and is being
filed in accordance with the requirements of 37 C.F.R. § 41.41.

(7) ARGUMENT

It is respectfully submitted that there are at least two reasons that the teachings of Tong, taken alone (claims 1-8, 19-23, and 25-29) or in combination with teachings from Glenn (claims 9-18) do not support a *prima facie* case of obviousness against the subject matter recited by independent claim 1 of the '985 Application, or against the subject matter recited by any of its dependent claims 2-23 or 25-29.

First, Tong does not teach or suggest a process in which a protective material is subjected to conditions "in which cracks and delaminated areas... are healed..." Independent claim 1. Because of this deficiency, the Examiner has argued that the teachings of Tong relate to use of the same type of material as that disclosed by the above-referenced application. Examiner's Answer, pages 4 and 13. While it is acknowledged that the material of Tong could heal under some circumstances, Tong does not provide any teaching or suggestion that the B-stageable material disclosed therein will heal, or even any teaching or suggestion of conditions under which the disclosed B-stageable material would heal.

In apparent recognition of this deficiency, the Examiner has attempted to argue that healing would inherently occur in the B-stageable material of Tong. The Examiner notes that the "finite amount of time between the first curing" disclosed by Tong "and the second curing" disclosed by Tong, "healing is capable of occurring." Examiner's Answer, page 14. The phrase "healing is capable of occurring" replaced the less accurate phrase "healing can and will occur" (*id.*), indicating that the Examiner is well aware that *healing may not occur* when the process disclosed by Tong is effected and, therefore, that a partially cured B-stageable material will not *inherently* heal when used in the processes that are disclosed by Tong. M.P.E.P. § 2112.

Since the Examiner cannot argue that healing of the B-stageable material will inherently occur, he could only argue that the finite period of time between the initial cure and the subsequent is inherent. Nonetheless, that period of time is not necessarily, or inherently, long enough to ensure that healing of any cracks or delamination will necessarily occur.

Thus, regardless of similarities between the B-stageable material of Tong and the materials that are disclosed by the '985 Application, the B-stageable material of Tong will not necessarily, or inherently, heal when the process taught by Tong is effected.

Second, according to Tong, there wouldn't even be any reason to heal the B-stageable material disclosed therein, as it is formulated to have a glass transition temperature that allows it to be "cleanly cut" without cracks or breakage. Tong, Paragraph [0033]. Since Tong does not consider cracks or breakage to be problematic in the disclosed process, Tong teaches away from the subject matter recited by independent claim 1 and its dependent claims 2-23 and 25-29. M.P.E.P. § 2141.02(VI) (which requires the Examiner to consider parts of Tong that teach away from the claimed subject matter). Therefore, there wouldn't have been any apparent reason for one of ordinary skill in the art to even attempt to heal cracks or delamination in the manner recited by independent claim 1.

In view of the foregoing, as well as for the reasons presented in the APPEAL BRIEF that has been filed in the '985 Application, it is respectfully submitted that the Examiner has not established a *prima facie* case of obviousness against independent claim 1 or against any of its dependent claims 2-23 or 25-29.

(11) CONCLUSION

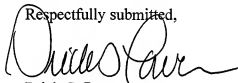
It is respectfully submitted that:

(A) Claims 1-8, 19-23, and 25-29 are drawn to subject matter that, under 35 U.S.C. 103(a), is allowable over the subject matter taught by Tong; and

(B) Claims 9-18 are each directed to subject matter that, under 35 U.S.C. § 103(a), is allowable over the teachings of Tong, in view of teachings from Glenn.

Accordingly, reversal of the 35 U.S.C. § 103(a) rejections of each of claims 1-23 and 25-29 is respectfully solicited, as is the allowance of these claims.

Respectfully submitted,



Brick G. Power
Registration No. 38,581
Attorney for Applicant
TRASKBRITT, PC
P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: 801-532-1922

Date: December 17, 2008

Document in ProLaw